

DRUG DISTRIBUTION INDUCED HOMICIDE

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill establishes the offense of drug-induced homicide.

Highlighted Provisions:

This bill:

- ▶ provides that an individual commits the offense of drug-induced homicide if the individual knowingly and unlawfully distributes a controlled substance to another individual for value or other consideration causing the other individual's death;
- ▶ establishes an exception to drug-induced homicide resulting from the lawful distribution of a controlled substance by a licensed practitioner;
- ▶ establishes that drug-induced homicide is a first degree felony; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-201, as last amended by Laws of Utah 2010, Chapter 13

ENACTS:

76-5-211, Utah Code Annotated 1953



Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-201** is amended to read:

76-5-201. Criminal homicide -- Elements -- Designations of offenses -- Exceptions.

(1) (a) Except as provided in Subsections (3) and (4), ~~[a person]~~ an individual commits criminal homicide if the ~~[person]~~ individual intentionally, knowingly, recklessly, with criminal negligence, or acting with a mental state otherwise specified in the statute defining the offense, causes the death of another human being, including an unborn child at any stage of its development.

(b) There shall be no cause of action for criminal homicide for the death of an unborn child caused by an abortion, as defined in Section [76-7-301](#).

(2) Criminal homicide is aggravated murder, murder, manslaughter, child abuse homicide, homicide by assault, negligent homicide, ~~[or]~~ automobile homicide, or drug-induced homicide.

(3) ~~[A person]~~ An individual is not guilty of criminal homicide of an unborn child if the sole reason for the death of the unborn child is that the ~~[person]~~ individual:

(a) refused to consent to:

(i) medical treatment; or

(ii) a cesarean section; or

(b) failed to follow medical advice.

(4) A woman is not guilty of criminal homicide of her own unborn child if the death of her unborn child:

(a) is caused by a criminally negligent act or reckless act of the woman; and

(b) is not caused by an intentional or knowing act of the woman.

Section 2. Section **76-5-211** is enacted to read:

76-5-211. Drug-induced homicide.

(1) As used in this section:

(a) "Administers" means the same as the term "administering" is defined in Subsection [58-17b-102\(1\)\(a\)](#).

(b) "Dispense" means the same as that term is defined in Subsection [58-17b-102\(22\)](#).

(c) "Distribute" means the same as that term is defined in Subsection [58-17b-102\(25\)](#).

59 (d) "Drug," except as provided in Subsection (1)(e), means the same as the term
60 "controlled substance" is defined in Subsection [58-37-2\(1\)](#).

61 (e) "Drug" does not include a controlled substance that a practitioner with authority to
62 prescribe the controlled substance lawfully administers, dispenses, distributes, or prescribes:

63 (i) for a legitimate medical purpose; and

64 (ii) in the usual course of professional practice.

65 (f) "Practitioner" means an individual currently licensed, registered, or otherwise
66 authorized by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a
67 controlled substance in the course of professional practice.

68 (g) "Prescribe" means the same as that term is defined in Subsection [58-17b-102\(62\)](#).

69 (2) Criminal homicide is drug-induced homicide if the actor knowingly and unlawfully
70 distributes a drug to another individual for value or other consideration that is used by the other
71 individual and causes the death of the other individual.

72 (3) Drug-induced homicide is a first degree felony.

Legislative Review Note
Office of Legislative Research and General Counsel